IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 838 OF 2007
IN
APPEAL NO. 674 OF 2007

Samir @ Dicky Ibrahim Sayad..... ....Applicant.
V/s
The State of Maharashtra ... .Respondent.

Mr.Amin Solkar, Adv. For the applicant.

Mr.Y.M.Nakhwa APP For the respondent.

CORAM: A.P.DESHPANDE, J.
4/12/07

PC:

The present applicant is original accused No.1 who has been found guilty of offence under u/s.489C of Indian Penal Code and has been sentenced to suffer R.I. For five years and to pay fine of Rs.2000/-, in default to suffer R.I. For three months. The applicant has been acquitted of the offence u/s.489B of IPC. Learned counsel for the applicant has pointed out that the applicant has been in custody for a total period of one year. Learned counsel has invited my attention to the evidence of panchas. Respondent has filed affidavit opposing bail application. It is stated therein that the applicant was arrested by J.J. Marg police station in CR No.46/06 on 7.2.06 for offence registered under sections 353, 323, 143, 144, 146, 147, 148, 149 of IPC and charge sheet has been filed. The said incident had occurred on account of procession taken out

during Muhuram and clash between two groups which hardly has any bearing on the offence involved in the present case. Perused the judgment and order passed by the Sessions Judge. In my view this is a fit case for grant of bail. The applicant was on bail during trial and has not misused the same. Hence I direct that the applicant be released on bail on the same terms and conditions on which he was released on bail during the trial on executing fresh bail bonds subject to attending the J.J.Marg police station once a week. Further the applicant shall not remain within the territorial jurisdiction of Mumbai during the period from 9.1.2008 to 20.1.2008. The applicant shall from February, 2008 onwards attend the J.J. Marg police station once in a month. Application stands disposed of accordingly.

4.12.07